



Planning Committee

17 June 2014

Planning application no.	14/00288/FUL
Site	Bilston Urban Village Land Between Coseley Road and Midland Metro Line, Bilston
Proposal	Engineering works comprising cut and fill ground works, site remediation including ground engineering and treatment of mine shafts, creation of new access junctions off Coseley Road, Highfields Road and Dudley Street, creation of a distributor road linking Coseley Road to Highfields Road, creation of bus link and footpath / cycleway to Dudley Street, surface water drainage and attenuation and foul water sewers, tree felling and woodland management
Ward	Bilston East
Applicant	Homes and Communities Agency (HCA)
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Jenny Davies Tel 01902 555608 Email Jenny.davies@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to grant subject to revised details for the attenuation pond and conditions

2. Application site

- 2.1 The site covers an area of just over 35 hectares and is located south of the Black Country Route and Bilston Town Centre. The site is bounded on the south by the Bradley Arm of the Birmingham Canal and to the west by Coseley Road and the east by the Midland Metro line.
- 2.2 There are a large number of trees across the site, some of which have recently been cut back. The levels across the site currently vary significantly with a difference of up to 8m between land towards the north-west and the west and east of the site.

2.3 A culverted watercourse runs through the site from south west to north east.

3. Application Details

3.1 The application proposes the following:-

- Removal of approximately 90,000 cubic metres of soil at the site of the former railway embankment between the Academy and Coseley Road and its reuse elsewhere within the site to create new land forms.
- The construction of a drainage system which will take rain water run-off from future development and creation of a balancing pond south of Nettlefolds Way.
- The construction of three road junctions to provide access into the site at Coseley Road, Highfields Road and Dudley Street. The Dudley Street junction will be for bus traffic only.
- The construction of a new road which would be 14.7m wide (including cycle, footways and verges) through the site allowing access for future housing.
- Various remediation works associated with old mine workings.
- The removal crushing and reuse on site of substantial concrete foundations of the former Metabrasives factory

3.2 The proposed works are intended to improve the site conditions, reduce risks and remove costs associated with the development of the site to attract future developers and assist in the regeneration of this strategic site.

4. Planning History

4.1 07/00458/OUT for Mixed use development comprising residential development, erection of light industrial units and associated infrastructure, landscaping, parking, creation of public open space and retention of existing car park. (Outline Application), Granted 16.01.2008.

5. Relevant Policy Documents

5.1 National Planning Policy Framework (NPPF)

5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5.3 Bilston Urban Village Supplementary Planning Document

5.4 Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan (emerging)

6. Environmental Impact Assessment Regulations

6.1 This application is considered to be a Schedule 2 project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the

development is unlikely to have a significant effect on the environment as defined by the above Regulations.

7. Publicity

7.1 Six letters of objections and a petition of 91 signatories from 60 addresses have been received. One objector has requested to speak to Planning Committee.

7.2 The main objections are:-

- Overlooking and loss of privacy
- Noise from construction
- Position of main link road affects residents by reason of increased traffic noise and additional through traffic.

8. Internal Consultees

8.1 Transportation, ecology, structures and environmental health have no objections subject to conditions.

8.2 Landscape has concerns about the design of the attenuation pond. A revised detail is expected.

9. External Consultees

9.1 The Coal Authority, Environment Agency and the Canal and Rivers Trust have no objections subject to conditions.

10. Legal Implications

10.1 The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ("the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981

10.2 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances. KR/03062014/O

11. Appraisal

- 11.1 The site is defined in the Black Country Core Strategy (BCCS) policy CSP1- The Growth Network as a regeneration corridor and in the emerging Bilston Corridor Area Action Plan (AAP) as a regeneration area. The Bilston Urban Village Supplementary Planning Document identifies the site for housing and open space. Consequently the proposals are consistent with BCCS policies and the emerging AAP.
- 11.2 The Transport Assessment undertaken has demonstrated that new road junctions are necessary at Coseley Road and Highfields Road to deal with the future capacity of the road network should the Bilston Urban Village be developed consistent with BCCS policies TRAN2 and TRAN4.
- 11.3 The proposed road through the site linking Coseley Road and Highfield Road appears as a through road but it is intended to serve the new development and future traffic generated by new housing. The traffic flows should distribute evenly between the two new junctions. It is not designed to be a new spine road, diverting existing traffic flows away from The Black Country Route. Traffic calming measures and priority junctions can be installed when new development comes forward to reduce and control speeds within the site.
- 11.4 The proposed design of the carriageway is necessary to accommodate buses, a cycle way and footways and to create an attractive functional route through the new development. The applicant has demonstrated that a high standard of design can be achieved and future housing layouts will not be dominated by a wide traffic corridor.
- 11.5 The habitat and badger surveys satisfactorily demonstrate that the site could be developed without resulting in harm to any protected species or its habitat, subject to conditions. The proposals are consistent with UDP policies N1 and N9
- 11.6 The slopes of the proposed attenuation pond would be too steep to be safe and would have an over-engineered solution. A revised detail has been requested which would be safe and have a more natural appearance.

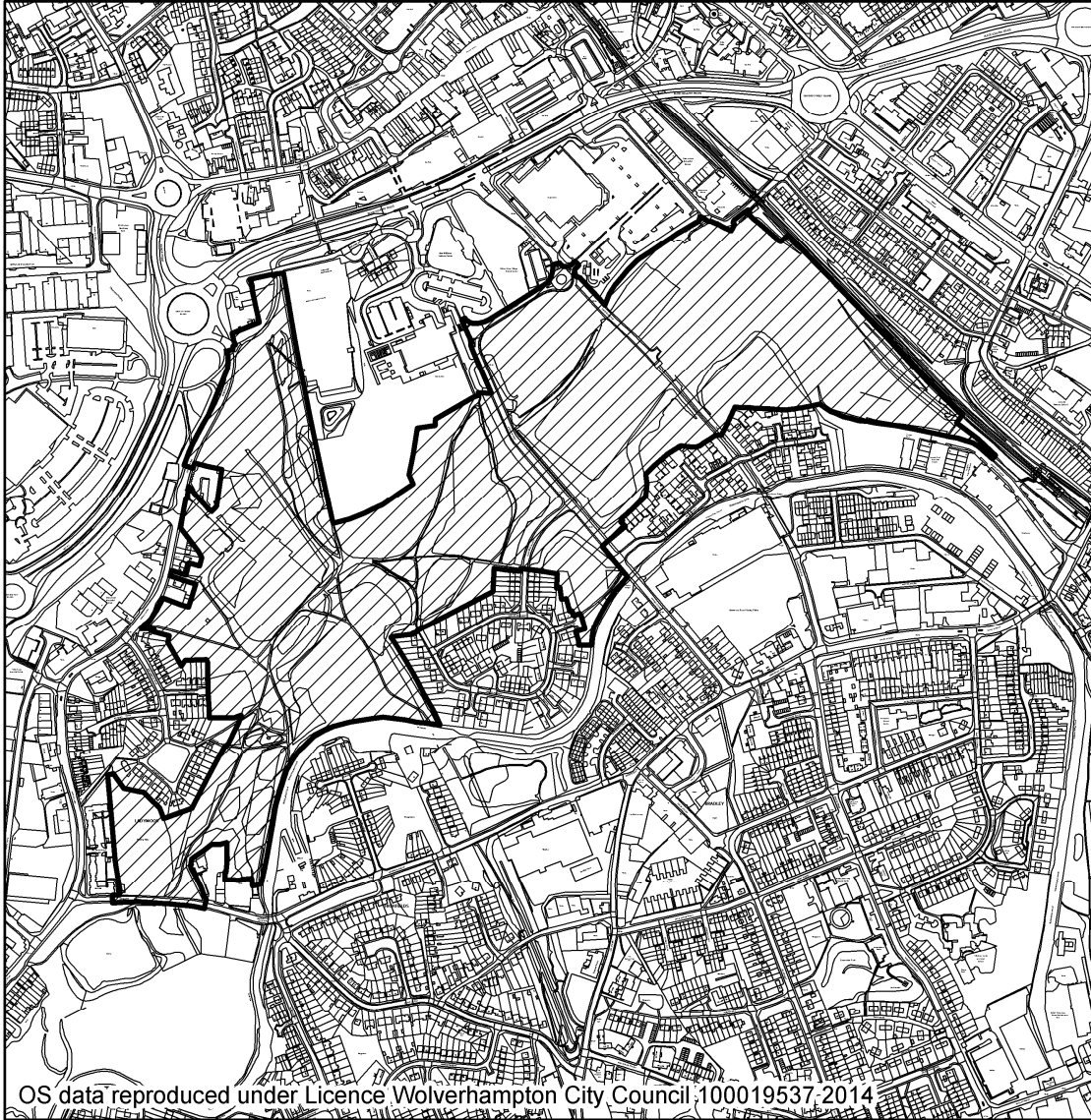
12. Conclusion

- 12.1 Subject to revised details for the attenuation pond and conditions as recommended, the proposal would be acceptable and in accordance with the development plan.

13. Detailed Recommendation

- 13.1 That planning application 14/00194/FUL be granted subject to any appropriate conditions including:
- mining mitigation
 - tree protection measures
 - drainage
 - soil samples

- habitat mitigation and management plan
- construction method statement (including site compound location, site management plan, routing of construction traffic, wheel wash equipment and hours of construction and lighting)
- re-use of furnace slag removed from the wall on Dudley Street as facing material for headwalls
- restrict stockpile height
- completion report for stabilisation works



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